



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue SE.
Washington, DC 20590

June 5, 2023

The Honorable Rob Bonta
Attorney General
State of California
1300 I Street, Suite 1740
Sacramento, CA 95814

Dear Attorney General Bonta:

Thank you for your letter, cosigned by your colleagues in a number of other States, regarding the recent reported increase in thefts of certain models of Hyundai and Kia vehicles. The U.S. Department of Transportation appreciates your work to spread awareness of this important issue, as well as the opportunity to address your concerns about these thefts and describe the actions the National Highway Traffic Safety Administration (NHTSA) and the companies have undertaken to address them.

As part of NHTSA's enforcement oversight, NHTSA meets frequently with vehicle manufacturers to discuss potential safety concerns, identify vehicle owner reports, and review companies' plans to address emerging issues. NHTSA has closely followed the reports of increases in thefts of certain models of Hyundai and Kia vehicles since the initial emergence of the video trend on TikTok and other social media platforms. NHTSA has worked closely with Hyundai and Kia to determine the causes contributing to the theft vulnerability, review the scope of differing software and hardware in the affected models, and receive regular updates on the companies' action plans. NHTSA has also coordinated with local authorities to help address this problem.

As noted in your letter, both Hyundai and Kia have now developed and launched measures that the companies are providing free of charge to millions of affected vehicle owners to help prevent and deter future thefts, including providing anti-theft software updates to counteract the method by which the thieves were starting the vehicles and doubling the length of time the vehicle's alarm sounds to enhance deterrence. The companies are also providing window stickers that advise would-be-thieves of the anti-theft software and have provided more than 59,000 steering wheel locks since November 2022 to 77 law enforcement agencies for distribution to drivers in 12 States.

Following these actions, NHTSA published a Consumer Alert on February 14, 2023, which is aimed at spreading awareness of the availability of the free vehicle updates. See *Hyundai and Kia Launch Service Campaign to Prevent Theft of Millions of Vehicles Targeted by Social Media Challenge* (Feb. 14, 2023), available at <https://www.nhtsa.gov/press-releases/hyundai-kia-campaign-prevent-vehicle-theft>.

The Honorable Rob Bonta

We understand and appreciate the significant resources deployed in your States to address this issue, including the efforts of local authorities to respond to the serious problem that the thefts pose to their local communities. NHTSA works closely with law enforcement and first responders, such as through its investigative activities and its Office of Emergency Medical Services and Office of Safety Programs. In this case, once Hyundai and Kia developed their action plans, NHTSA contacted numerous national law enforcement associations to ensure they were aware of NHTSA's Consumer Alert and of the companies' updates.

At this time, NHTSA has not determined that this issue constitutes either a safety defect or noncompliance requiring a recall under the National Traffic and Motor Vehicle Safety Act, 49 U.S.C. Chapter 301. The Federal Motor Vehicle Safety Standard identified in your letter, FMVSS No. 114, does not require an engine immobilizer. *See* 49 C.F.R. § 571.114. Also, the test procedure specified in that standard does not contemplate actions taken by criminal actors to break open or remove part of the steering column and take out the ignition lock to start a vehicle. *See id.* § 571.114, S6. Here, the safety risk arises from unsafe use of a motor vehicle by an unauthorized person after taking significant destructive actions to parts of the vehicle.

We agree that reckless driving is a serious safety issue, whether by an authorized or unauthorized person. NHTSA will continue to work closely with States and law enforcement officials to address unsafe driving behaviors, consistent with its statutory mission and authorities. NHTSA will also continue to closely monitor this issue, receive regular updates from the companies, spread awareness of further updates to local authorities, and lend its expertise to efforts that strengthen motor vehicle safety.

A similar response has been sent to each cosigner of your letter. We appreciate your commitment to enhancing awareness of this problem. If I can provide further information or assistance, please reach out to contact me at cem.hatipoglu@dot.gov.

Sincerely,



Cem Hatipoglu, Ph.D.
Acting Associate Administrator
for Enforcement